

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

VS.

CASE NO: 2:06-cr-4-FtM-29NPM

JIMMY LOUISUIS

OPINION AND ORDER

This matter comes before the Court on defendant's Motion for Early Termination of Supervised Release/Motion for Sentence Reduction Under Section 404 of the First Step Act (Doc. #409) filed on June 4, 2020. The government does not object to the request for early termination.

I. Background

On September 14, 2006, defendant was convicted by a jury on Counts One, Four, Five, Six, Eight, Nine, and Ten of the Indictment.¹ (Doc. #170.) On December 11, 2006, defendant was sentenced to 121 months as to Counts One, Four, Five, Eight, and Nine to run concurrently, and 60 months as to Count Six, to be served consecutively to Counts One, Four, Five, Eight, and Nine. In addition to the terms of imprisonment, concurrent terms of 60 months as to Counts One, Four, Six, and Eight, and 36 months as to

¹ Count Ten was dismissed by the Court.

Counts Five and Nine of supervised release was imposed. (Doc. #186.)

After an appeal, Doc. #261, and the intervening decision in Kimbrough v. United States, 552 U.S. 85 (2007), defendant was scheduled for resentencing on remand. (Doc. #262.) On remand, defendant was sentenced to 120 months of imprisonment as to Counts One, Four, Five, Eight, and Count Nine, and a consecutive term of 60 months as to Count Six. Supervised release remained the same. (Doc. #283.) After a second appeal, the Eleventh Circuit affirmed. (Doc. #314.)

On January 29, 2019, noting defendant's potential eligibility for a reduction of his term of imprisonment under Section 404 of the First Step Act, the Federal Public Defender was appointed to review the case. (Doc. #361.) On July 19, 2019, the United States Probation Office issued a Memorandum (Doc. #372) indicating that defendant was indeed eligible for a reduction to 63 months as to Counts One, Four, and Five, plus the 60 month consecutive sentence for a total term of 123 months of imprisonment, and a reduced term of supervised release of 4 years.

Defendant, however, had been released from custody on February 1, 2019, after having served the full 180 month sentence, and he began his five year term of supervised release. On September 25, 2019, counsel filed a Status Report (Doc. #385) indicating an intent to file a motion for reduction of supervised

release, or early termination, after defendant's service of one year of supervised release.

II. Current Motion

Defendant, through appointed counsel, now seeks to terminate the remaining term of his supervised release, or alternatively, to reduce his total term of supervised release as to Counts One and Four to 4 years. The government does not oppose the reduction of the term of supervised release to four years.

A. First Step Act Reduction

Both the government and defendant agree that pursuant to the First Step Act the term of supervised release for certain counts should be reduced from five years to four years. The Court concurs. Therefore, the motion will be granted at least as to the request to reduce defendant's supervised release to four years as to Counts One, Four, Six, and Eight.

B. Early Termination

Early termination of supervised release is permissible if, after considering the relevant factors in 18 U.S.C. § 3553(a), the Court concludes that early termination is warranted by the conduct of defendant and the interests of justice. 18 U.S.C. § 3583(e)(1).

Defendant has served 16 months of his supervised release, after over-serving his sentence of imprisonment by almost five years. His supervising officer states that defendant is gainfully employed working regular hours through a day labor company, People

Ready. Defendant also maintained a stable residence with his girlfriend and brother in Alva, Florida. All of defendant's urinalysis drug tests have been negative for any controlled substances, such that the drug treatment condition was suspended. Defendant has been responsive, with no violations, and appears motivated. The government does not oppose early termination.

The Court concludes that defendant has demonstrated that early termination is warranted by his conduct on supervision and because it is in the interest of justice.

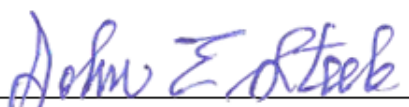
Accordingly, it is hereby

ORDERED:

Defendant's Motion for Early Termination of Supervised Release/Motion for Sentence Reduction Under Section 404 of the First Step Act (Doc. #409) is **GRANTED as follows:**

1. The term of supervised release is reduced to four (4) years instead of five (5) years as to Counts One, Four, Six, and Eight.
2. The reduced term of supervised release is further terminated **as of noon on June 8, 2020.**

DONE and ORDERED at Fort Myers, Florida, this 5th day of June, 2020.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record
U.S. Probation